REMARKS

The foregoing amendment does not include the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application be, kindly, reconsidered.

The Office Action dated August 9, 2004 has been received and considered by the Applicants. Claims 1-8 are pending in the present application for invention. The Office Action dated August 9, 2004 rejects Claims 1-8.

The Office Action dated August 9, 2004 objects to the drawings. The Examiner states that Figures 10 and 11 should be provided with descriptive labels. The Examiner further states that Figure 9 does not show a reference sign for the pattern described within the specification as "P". The applicant submits red-lined drawings with this response to correct the aforementioned problems within the figures.

The specification is objected at page 9, line 12 because a figure is mentioned without indicating which figure it is. The specification is objected to on page 12, line 33 because Figure 10 should be Figure 11. The specification is further object to on page 13, line 32 because step 57 should be step S7. The foregoing amendment to specification has corrected these oversights.

Claim 1 is objected to because of the misspelling of the word auxiliary. This is been corrected by the foregoing amendment to claims. The Applicant respectfully points out that this amendment is not a narrowing amendment and is made for the purpose of correcting spelling.

Claims 1-8 are rejected by the Office Action dated August 9, 2004 under the provisions of 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,418,764 issued in the name of Roth et al. (Roth et al.). The Examiner's position is that Roth et al. discloses all the elements defined by the rejected claims.

Regarding claim 1, the Examiner states that Roth et al. disclose all of the recited elements. The Examiner states that Roth et al. disclose the sequence of address codes and special codes that are distinguishable from the address codes wherein sequence can be obtained by replacing a sequence of address codes with consecutive address values of special codes. Specifically, the Examiner states that Roth et al. disclose the sequence having a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address in FIG. 6 and 7, at column 4, line 65-column 5, line 31 and also columns 6 and 7. The Applicant, respectfully, disagrees with these assertions

contained within the Office Action. There is no disclosure or suggestion within Roth et al. for a sequence of address codes and special codes to have a predetermined positional relationship with respect to a predetermined reference address.

The present invention, beginning on page 8, line 15 and proceeding through page 9, line 17, discusses the positional relationship between special codes and address codes and how this relationship is implemented. Specifically, page 8, lines 15-18 to the specification to the present invention states that "to indicate the availability special codes in the lead-out area, the position of the special codes if shifted for n frames". In contradistinction to the teaching of the present invention, Roth et al. on columns 4,5 and 6, disclose a format for code signals having address codes and auxiliary codes, wherein to number of address codes between auxiliary codes may be variable (see column 5, lines 13-16). Roth et al. further discuss a lead-in area being defined at a predetermined distance from the center of rotation, a lead-out area defined as beginning before a predetermined radial position, a program area at a predetermined distance from the center of rotation and the position of him address codes at predetermined positions from the center rotation (see column 5, line 40-column 6, line 22). Roth et al. further discuss that auxiliary codes be recorded in the lead-in in area and/or the program area which refer to address codes (see column 6, lines 46-50). It is the position of the Applicant, that simply having auxiliary codes referring to address codes is not equivalent to the subject matter defined by rejected claim 1 for "a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address."

Roth et al. further discuss having address codes contained within the auxiliary codes with the auxiliary codes divided uniformly along the track so that the auxiliary codes containing the references to the address codes can be found rapidly (see column 6, lines 55-63). The Applicant, respectfully, submits that this portion of Roth et al. clearly teaches away from the present invention as defined by rejected claim 1. Claim 1 recites a periodic pattern having a predetermined positional relationship with a predetermined reference address that indicates that the pattern is not fixed. The Applicant, respectfully, points out that there is no such disclosure, teaching or suggestion within the four corners of Roth et al. Therefore, this rejection is respectfully traversed.

Regarding claim 2, the Examiner states that Roth et al. disclose a lead in area located an inner area of the disc comprises special codes and the predetermined reference address is the

start or end address of the lead in area at columns 6, line 1-column 7, line 56 and in Fig. 6 and 7. The Applicant respectfully points out that a periodic pattern of address codes and special codes have a predetermined positional relationship to the predetermined reference address defined by rejected claim 2. As discussed above, there is no periodic pattern of address codes and special codes having a predetermined positional relationship with the predetermined reference address. Therefore, this rejection is respectfully traversed.

Regarding the rejection to Claim 3, the Examiner states that Roth et al. teach the periodic pattern comprises special codes separated by a first number of successive address codes (column 6, line 1-column 7, line 56) characterized in that the periodic pattern is shifted by a predetermined number of address codes with respect to the predetermined reference address (column 7, line 7-62). The applicant respectfully points out that column 7 of Roth et al. teach that auxiliary codes can be distinguishable from address codes, and that various bit combinations can be used within the codes. As previously discussed, there's no disclosure or suggestion on column 6, line 1-column 7, line 56 of Roth et al. for the periodic pattern being shifted by a predetermined number of address codes with respect to the predetermined reference address. Therefore, this rejection is respectfully traversed.

Regarding the rejection to Claim 4, the Examiner states that Roth et al. teaching a periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes characterized in that the first number of distinct special codes have a predetermined order. As previously discussed, the periodic as defined by the rejected claims has a predetermined positional relationship with a predetermined reference address. Rejected claim 4 further defines that the periodic pattern a first number of distinct special codes separated by a first number of successive address codes wherein the special codes have predetermined order. The applicant, respectfully, points out that the Examiner continues to read column 7 of Roth et al. on the various elements of the rejected claims, however, the Examiner does not indicate what items within column 7 of Roth et al. that the Examiner is actually using it make these rejections. The Applicant, respectfully, requests that the Examiner specifically point out by reference the items within column 7 of Roth et al. that the Examiner is using to read on the recitation of the periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes characterized in that the first number of distinct special codes have a predetermined order. The Applicant respectfully submits that the foregoing subject matter is not

found within column 7 or anywhere with the teachings of Roth et al. Accordingly, this rejection is respectfully traversed.

Regarding the rejection to claim 5, the Examiner states that Roth et al. disclose (at Fig. 4,5 6, column 5, lines and 41-67, and column 6, lines 1-63) a lead-out area located and out area the disc wherein the lead-out area comprises additional control information for controlling recording by a recording device, the presence thereof the indicated by the predetermined positional relationship. The Applicant respectfully that requests that the Examiner indicate, by reference 1 exactly those items to which the Examiner is referring. As previously discussed, Roth et al. discuss a lead-in area being defined at a predetermined distance from the center of rotation, a lead-out area defined as beginning before a predetermined radial position, a program area at a predetermined distance from the center of rotation and the position of him address codes at predetermined positions from the center rotation (see column 5, line 40-column 6, line 22). Roth et al. further discuss that auxiliary codes be recorded in the lead-in in area and/or the program area which refer to address codes (see column 6, lines 46-50 Roth et al. do not discuss "a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address." Accordingly, this rejection is respectfully traversed.

Regarding the rejection to Claim 6, the Examiner states that Roth et al. disclose (between the bottom of column 6 to the middle of column 10) recording means for reading information recorded on the record carrier including control means adapted to determine the predetermined positional relationship of the periodic pattern of address codes and special codes and to control the recording process in accordance with the determination. As previously discussed, Roth et al. do not discuss a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address. Furthermore the reading means taught by Roth et al. do not provide control means better adapted to determine the printer relationship of the periodic pattern of address codes to special codes and control the recording process in accordance thereto. Accordingly this rejection is respectfully of traversed.

Regarding claim 7, the Examiner states that Roth et al. disclose control means adapted to read a special area on the record carrier upon detecting a predetermined positional relationship (and column 10, lines 16-31). The Applicant respectfully points out that this portion simply

states that when the auxiliary codes that contain the address values are detected, the address values are stored into memory. There is no disclosure or suggestion within Roth et al. of the control means branching upon detecting a predetermined positional relationship. Therefore this rejection is respectfully traversed.

Regarding the rejection of Claim 8, the Examiner states that Roth et al. disclose control means the adapted to read special information in the lead-in the zone and only upon detection ever predetermined positional relationship, subsequently read the lead-out zone at column 10, lines 32-45. The Applicant respectfully disagrees. There is no disclosure or suggestion within Roth et al. of any action upon detecting a predetermined positional relationship. Simply put, there's no detection of a predetermined positional relationship within Roth et al. Therefore, this rejection is respectfully traversed.

New Claims 9-20 have been added by the foregoing amendment to the claims. Claims 9, 10, 19 and 20 define subject matter related to shifting the positional relationship as described on pages 8 and 9 of the specification to the present invention. Claims 11-18 are similar to Claim 1-8 except that they are broader in the sense that the predetermined positional relationship is not limited to being related to a reference address and instead can be information in general as described in the specification on pages 8 and 9. Accordingly, examination of Claims 9-20 will not result in the introduction of new matter into the present application for invention.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By _____

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on: December 9, 2004
(Mailing Date)

Signature: _____
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